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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 WILDY LAUREN,

11 Plaintiff,

12 v.

13 WILLIAM NELLIS, *et al.*,

14 Defendants.  
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Case No. 2:10-CV-01544-KJD-PAL

**ORDER**

16 Presently before the Court is Defendant City of Las Vegas' Motion to Dismiss (#8). Plaintiff  
17 filed a response in opposition (#19) to which Las Vegas replied (#20). Before she filed her  
18 opposition, Plaintiff filed a First Amended Complaint (#18). According to the allegations of the  
19 complaint, two Las Vegas Metropolitan Department ("Metro") officers entered Plaintiff's home and  
20 assaulted her. Plaintiff seeks to hold the City of Las Vegas liable for the actions of the Metro  
21 officers.


22 However, a local government may not be sued under § 1983 for injury inflicted solely by its  
23 employees or agents. See Monell v. Dep't of Social Servs., 436 U.S. 658, 694 (1978). Only when  
24 execution of a government's policy or custom that inflicts the injury may the government entity be  
25 held responsible under § 1983. Id. Additionally, those with final policy making authority that cause  
26 particular constitutional or statutory violations may be held liable under § 1983. See McMillan v.

1 Monroe County, 520 U.S. 781, 784-85 (1997)(citing Jett v. Dallas Ind. School Dist., 491 U.S. 701,  
2 737 (1989). State law controls the determination of the identity of the final policy maker. Id. at 786.

3 Under Nevada law, the City of Las Vegas is not responsible for the action of Metro or its  
4 employees. Metro is an independent government entity formed under NRS § 280.010, *et seq.*  
5 Pursuant to this statutory authority, Clark County and the City merged their police agencies into one  
6 entity. See NRS § 280.110. “The department is responsible for the defense of any claim and for any  
7 judgment arising out of any act or omission to act on the part of . . . any officer, employee or agent of  
8 the department . . . The department may sue or be sued[.]” NRS § 280.280(4). The Clark County  
9 Sheriff is the chief law enforcement officer of Metro. See NRS § 280.121. The Sheriff is  
10 responsible for promulgating the policies of Metro. See NRS § 280.307.

11 Accordingly, Defendant City of Las Vegas’ Motion to Dismiss (#8) is **GRANTED**.

12 DATED this 30<sup>th</sup> day of September 2011.

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16 Kent J. Dawson  
United States District Judge  
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